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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,699	05/16/2005	Philippe Cateau	047578/286155	8621
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER				
MAI, THIEN T				
ART UNIT		PAPER NUMBER		
2887				
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04/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,699

Applicant(s)

CATTEAU ET AL.

Examiner

Thien T. Mai

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18-21, 24-30 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 18-21, 24-30 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/16/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/16/2009 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1, 18, 21, 24-25 is/are rejected under 35 U.S.C. 102(b) as being anticipated by *Albert et al.* (US 6,118,426)

Re claims 1, 18, 21, 24, *Albert et al.* discloses an electrophoretic display label (col.2 lines 20-27) having "an antenna 302 that can be a monopole antenna, a dipole antenna, a planar array, a coil or any other antenna structure known in the art of radio reception" (col. 14 lines 10-17). The antenna surrounds the label as seen in Fig. 6B and is on the same substrate (as the claimed wall) where label 350 is disposed on. Fig. 1-2 and col. 7 lines 27-45 describe transducer 14 is printed on the same substrate 16 with display 12. The transducer is for transforming a form of energy (i.e. mechanical,

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electrochemical), such as piezoelectric material or solar cell or antenna, to electrical energy and provide the energy to the display. The display includes a capacitor to store energy. Col. 10 lines 27-40 describes the capacitance of the display is modified by the power input from the transducer. Col. 18 lines 25-35 describe the display has capacitance in the range of .1-100 picofarads per square meter when electrical energy is applied. Therefore the antenna acting as a transducer in connection with the display form a capacitor. The antenna 302 has at least 2 pairs of parallel legs interpreted as heads surrounding the display 350 as seen in Fig. 6. The display itself comprises conductive material in the coating layers and further comprises gold metal (col. 6 lines 27-58, col. 8 lines 39-55, col. 9 lines 40-50, col. 13 lines 12-47, col. 18 lines 35-55)

Re claim 25, electrical bridge is interpreted as the display.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 19-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over *Albert et al.* (US 6,118,426) in view of *Blanc et al.* (US 6,437,985). The teachings of *Albert et al.* have been discussed above.

Albert et al. is silent with respect to insulation layer comprising a decorative layer.

Re claim 19-20, *Blanc et al.* discloses an insulating layer (22), wherein the antenna is disposed between the wall and the insulating layer (Fig. 9). The insulating

layer comprises a decorative layer (col. 3 lines 49-58, col. 9 lines 63-64: film 22 can be deposited with decorative information)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Blanc et al.*

One of ordinary skill in the art would be motivated to employ the teachings of *Blanc et al.* since they would allow attractive and decorative information printed on the label thereby providing information to viewers about the label without a need to provide any power to the electronic display.

5. Claim(s) 26-30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over *Albert et al.* (US 6,118,426) in view of *Martin* (US 6950023 B1). The teachings of *Albert et al.* have been discussed above.

Re claim 26-30, *Albert et al.* does not show a flat cable connected to the first and second antenna heads.

Martin discloses a flat cable comprises at least 2 segments connecting processing electronics 14 (inherently comprises a processor chip) to antenna heads (Fig. 1-3). Tabs 48, 46 at the ends of the coil each has an opening for placing solder on (col. 3 lines 50+). The wall defines an opening so that the flat cable is passed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Martin* by running a flat cable connected to the first and second antenna heads.

One of ordinary skill in the art would be motivated to employ the teachings of *Martin* since they would allow pre-made antenna coil heads to be connected to each other in order for the antenna to transmit, receive, and facilitate storing information.

6. Claim(s) 36 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over *Albert et al.* (US 6,118,426) in view of *Suga et al.* (US 6,427,065). The teachings of *Albert et al.* have been discussed above.

Re claim 36, *Albert et al.* lacks the teaching of impedance matching.

Suga et al. discloses a matching circuit and/or chip (Fig. 4-5, 14) that uses the antenna coil and capacitor 25 to variably match the impedance of the desired power supply voltage to internal circuits (col. 2 lines 45+, col. 3 lines 20+, col. 9 lines 45+, col. 14 lines 29+)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the impedance matching circuit and related teachings of *Suga et al.*

One of ordinary skill in the art would be motivated to employ the teachings of *Suga et al.* in order for the power voltage for the label's internal circuit to be controlled thereby minimizing possible failures.

Remarks

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection set forth above as the result of a careful review of prior art including *Albert et al.* and *Martin* previously presented. Previous argument dated 7/03/2008 with respect

to *Albert et al.* that "the display is separate and distinct from the energy storage device" is found to be non-persuasive. Applicant is respectfully requested to re-visit *Albert et al.* at col. 10 line 35 where *Albert et al.* teaches that the display comprises a circuit having capacitance as an electrical property and at col. 18 lines 5-35 where *Albert et al.* discusses the display's material yields a capacitance depending on the type of material, binder, and overall thickness as energy is applied to the display. The energy that powers the display can come from antenna 302 which receives power 380 from remote transmitter 370 as taught at col. 14 lines 10-17 and shown in Fig. 6A. Thus, the antenna heads when connecting to the display together makes a capacitor and therefore meets the claim limitation. Applicant's previous arguments with respect to *Martin* that *Martin* does not teach a display is not persuasive since *Martin's* teachings on flat cable and solder tabs only are used to correct *Albert et al.'s* deficiencies in failing to disclose internal details of the antenna's terminal connections. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: see PTO-892 form.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien T Mai/
Examiner, Art Unit 2887

/DANIEL WALSH/
Primary Examiner, Art Unit 2887